IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 18780 of 2005(I)

AGAINST THE ORDER IN IA 614 2000 IN
OS.420/1997 of MUNSIFF COURT, PUNALUR

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PETITIONER:

ANEENA CHANDRA BABU,
JAYABHARATHAM BUNGLOW, NEAR RAILWAY STATION,
PUNALUR.

BY ADV. SRI.S.SREEKUMAR
SRI.P.JAYABAL MENON
SRI.MANU ROY

RESPONDENTS:

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1. KUNJAMMA THOMAS,
JAYABHARATHAM BUNGLOW, NEAR RAILWAY STATION,
PUNALUR.

2. DR.P.T.RAJAN BABU,
JAYABHARATHAM BUNGLOW, ERUMAPETTY, PUNALUR.

3. P.T.CHANDRA BABU,
JAYABHARATHAM BUNGLOW, NEAR RAILWAY STATION,
PUNALUR.

4. P.T. MOHAN BABU,
JAYABHARATHAM BUNGLOW, NEAR RAILWAY STATION,
PUNALUR.

5. P.T. SUBASH BABU,
JAYABHARATHAM BUNGLOW, ERUMAPETTY, PUNALUR.

6. DR.ROY BABU,
JAYABHARATHAM BUNGLOW, ERUMAPETTY, PUNALUR.

7. P.T.PRAKASH BABU,
JAYABHARATHAM BUNGLOW, ERUMAPETTY, PUNALUR.

8. P.T.JOE BABU,
JAYABHARATHAM BUNGLOW, ERUMAPETTY, PUNALUR.

9. P.T. USHAKUMARI BABU,
JAYABHARATHAM BUNGLOW, NEAR RAILWAY STATION,
PUNALUR.

10. P.T. SANTHOSH BABU,
JAYABHARATHAM BUNGLOW, NEAR RAILWAY STATION,
PUNALUR.

11. DR.BEENY RAJAN BABU,
JAYABHARATHAM BUNGLOW, ERUMAPETTY, PUNALUR.

BY ADV. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 18780 OF 2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF IA NO.614/2000 IN OS NO.420/97 OF MUNSIFF'S COURT, PUNALUR.

EXT.P2 : TRUE COPY OF ORDER IN IA NO.614/2000 IN OS NO.420/97 OF MUNSIFF'S COURT, PUNALUR DT.13.06.2000.

EXT.P3 : TRUE COPY OF ORDER IN CRP NO.1546/2000 OF HON'BLE HIGH COURT OF KERALA.

/TRUE COPY/

PA TO JUDGE.

PIUS C. KURIAKOSE, J.

W.P.(C) No.18780 OF 2005

Dated this the 6th day of August, 2007

JUDGMENT

Heard both sides. Under the impugned order, Ext.P2, the learned Munsiff has dismissed an application for impleadment of a company which according to the contentions raised in the written statement was a necessary party. The reasons stated by the learned Munsiff is that the plaintiff petitioner is in two minds as to who is the Managing Director of the company and that there is a dispute before the Sub Court, regarding Managing Directorship to the company. But having regard to the materials placed on record and the rival submissions made at the Bar, I am of the view that the learned Munsiff was not justified in dismissing the application which became necessitated on account of the contentions raised by the respondents. Setting aside the impugned order, I allow the impleadment application filed by the petitioner clarifying that the person to be impleaded as additional 12th defendant will be the following:

"Jayabharatham Nursing Home Private Limited, represented by its Managing Director"

In other words, the impleadment will be without prejudice to the

contentions raised in the suit pending before the Sub Court, regarding the rival claims to the Managing Directorship and the company alone will be brought on record.

PIUS C. KURIAKOSE, JUDGE

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